



CITY OF MERCED ZONING ORDINANCE UPDATE FOCUS GROUP

RECOMMENDATIONS

(July 2013 – February 2016)

Mission of Focus Group

Update the Zoning Ordinance to be more user-friendly and easier to understand for the Community.

Focus Group Members: Jim Abbate, Christina Alley, Ann Andersen, Todd Bender, Kenra Bragonier, Adam Cox, Tony Dossetti (Council Member), Ron Ewing, Loren Gonella, Forrest Hansen, Flip Hassett, Jack Lesch, Elmer Lorenzi, Des Johnston, Guy Maxwell, Carole McCoy (former Planning Commissioner), Michelle Paloutzian, Garth Pecchinino, Joe Ramirez, Mike Salvadori, Stan Thurston (Mayor), Brandon Williams (former Planning Commissioner), Jim Xu, and Chairman Bruce Logue

Introduction

The Zoning Ordinance Focus Group met 17 times from July 2013 to March 2015 and then twice more in January and February 2016 for a total of 19 meetings. The Zoning Ordinance Focus Group was made up of Merced residents with various interests, including developers, engineers, planners, real estate, banking, and other interested citizens. Over the course of the meetings, the Focus Group made recommendations on the draft Zoning Ordinance. The following excerpts from the Focus Group minutes represent the recommendations made by the Focus Group.

Minute Excerpts

- 1) **Meeting of July 17, 2013**—Overview and introductions only.
- 2) **Meeting of July 31, 2013**

Organization: Ms. Andersen reviewed other cities' ordinances and advised that it's not about the content, but the navigation of the document (ordinance) that concerned her noting that web access and searchability needs to

be user friendly. There was also some discussion on improving the “Definitions” of the Code and placement in the document whether it is located in the front or back of the Code.

Planned Developments: Mr. Lesch spoke favorably about the staff level design review and site plan review. It was explained that in the past some applicants received entitlements from the City Council (i.e., general plan amendments, zone changes, etc.), but were not ready to proceed with a conditional use permit (CUP) and construction. Mr. Xu stated that other developers have detailed plans and must go through an additional process (public hearing for the CUP) costing time and money. Mr. Salvadori suggested a window of time be attached to quicken the process for those who are ready to develop immediately as opposed to those who wait a few years.

Churches: While Mr. Lesch felt that there should be a CUP process for them in residential zones, but not in commercial zones, Mr. Hassett felt that churches should not be encouraged within the downtown area. There were also comments from Mr. Pecchinino and Ms. McCoy that churches don’t pay property tax, and if it’s a small church (under 50 people) and parking is not impacted, it should be allowed.

3) **Meeting of August 22, 2013**

Conditional Use Permits (CUP) for Religious Institutions: The Focus Group discussed various pros and cons of requiring CUPs for churches in certain zones, but streamlining the process for them in others. Discussion focused on a church’s impact to an area such as Downtown where parking, noise, and hours of operation could have negative impacts, or in industrial zones where some industrial uses could not locate near churches and it makes it difficult to market the industrial property. Planning Manager Espinosa explained that there are Federal laws on how cities can treat churches, but the CUP process allows the City to apply conditions limiting occupancy, hours of operation, or sharing the location with another church who has services at different times or on different days.

Signs: The Focus Group also discussed the problem of too many signs in town causing a cluttered look. It was discussed whether it was a sign problem or the type of use that is the problem, such as bail bond businesses or tattoo parlors. The Focus Group agreed that such businesses seem to always have excessive signage.

Streamlining CUP Process in Planned Developments: Ms. Espinosa asked the group’s thoughts on having the CUP considered at the same time as the zone change or general plan amendment. There is often confusion from the public when the zoning and land use is approved by Council and they get another public notice

for the CUP later on.

Some members thought that there should be no co-mingling of the approvals because developers don't want to incur the expense of preparing detailed plans for the site plan, design, and landscaping of the project when the land use and zoning might be denied by the Council. Mr. Xu said that because a planned development requires so much detail, the CUP process should remain in place for planned developments.

Mr. Pecchenino said there are a lot of planned developments now because if the zoning doesn't allow the proposed use then zoning is changed to a planned development to allow the use through the CUP process. Ms. Espinosa said that the City would still need the requirements of the code for planned developments since they will still exist, but could establish a new zoning district that would allow for streamlining the process.

Outdoor Displays: Ms. Espinosa explained that they have gotten a little out of control in recent years. She showed some examples of sites where outdoor displays block access, circulation, and sidewalks. The code could be changed to state that they are not allowed at all, but that is an enforcement issue and there is currently not enough staff to provide enforcement. The code could include some standards for how much display area is allowed, i.e., 50 square feet, a percentage of the business' frontage, types of goods, not allowed in easements, and must be moved inside at close of business, etc.

Ms. Bragonier thought that it would be easier to enforce if they are not allowed at all. Mr. Maxwell said that one size won't fit all and perhaps we should just regulate where they could not go (in drive aisles, blocking sidewalks, etc.) rather than on a percentage of frontage or a specific square foot area, and that the soda machines should not be regulated.

Mr. Lesch said that the emphasis should be on signs rather than outdoor displays. He also mentioned recycling centers and said the City cannot require a CUP; they are currently processed under Site Plan Review where conditions can be applied or it can be denied if determined to be detrimental to the area.

Recycling Centers: Ms. Espinosa added that recycling centers attract other issues such as abandoned shopping carts and public intoxication. When recycling centers are located in Neighborhood Commercial zones near residential zones the City receives numerous complaints. She explained that they are allowed in all commercial zones per state law except processing facilities which are allowed in industrial zones.

Home-Based Businesses: There was also a brief discussion regarding home-

based businesses such as day cares with 14 or fewer children or residential care facilities with 6 or less at the facility. There are no zoning requirements for these uses per State law and the City receives numerous complaints from nearby residents.

Garage Conversions: Ms. Espinosa explained that most garage conversions are illegal because the zoning ordinance requires one off-street parking space for each residence and the driveway is not a “legal” parking space because it is within the setback area. Most of the existing conversions are illegal and building permits were not obtained.

Ms. McCoy said that some conversions are very old and not up to code and some home sales have not occurred because buyers could not obtain insurance. Mayor Thurston said he would like to see this addressed somehow that does not punish those conversions that were done years ago, but not to allow new ones.

Mr. Cox asked why the driveway is not a legal space and staff responded that if the spaces in the garage are lost then it causes more parking on the street which clutters the neighborhood. Ms. Espinosa asked the group to consider if the zoning code should be changed to allow the driveway as a legal parking space.

Mr. Lorenzi also pointed out that you cannot park in back of the house and the code states that you cannot park RV’s and boats on the street, but there is not any code enforcement of this because there is not enough staff. He said that something needs to be done about that.

Ms. Espinosa asked if the Focus Group thought the zoning code should be changed to allow the driveway to count as off-street parking in order to allow the garage conversions. No clear consensus was reached.

4) Meeting of September 12, 2013

Driveway Carports: Ms. Espinosa provided examples of front yard carports and explained that they are illegal if within the 20-foot front yard setback in a residential zone. She advised that there are concerns, but if the Group was favorable to allow them, minimum standards are needed such as carport materials, anchoring, location, and the requirement for a building permit.

The Focus Group discussed safety issues such as blocking visibility of oncoming vehicles or pedestrians for someone backing out of their driveway, and possible issues with not properly anchoring the carport. Other concerns were that streets could appear cluttered or blighted without specific standards or if outdoor storage were to accumulate in driveways. Some felt that enforcement was the issue with existing illegal carports; however, with the City budget and current staffing levels,

there are competing priorities. Mr. Gonzalves asked the Focus Group to not make decisions regarding the Zoning Ordinance based on current budget or staffing levels as a Zoning Ordinance has at least a 20-30 year life.

Front Yard Fences: Ms. Espinosa explained the current ordinance, requests from the public to increase fence heights due to young children, dogs, safety purposes, potential issues with gates across driveways, and fence materials. After requesting feedback on whether or not fence heights in the front yards should be increased, the consensus was to keep the code as it is.

Backyard Fences: With regards to increasing backyard fences to 8-feet in height, the Focus Group discussed having standards to exclude barbed or razor wire and electrical fences, fences in areas that have grade differences (one side of the fence is 6-feet and the other side is 8-feet due to lot elevations), the use of lattice or compatible materials, and concerns for public safety. The Focus Group was favorable to increasing the backyard fences to 8 feet. Ms. Espinosa explained that a building permit would be required for an 8-foot fence. (NOTE: At a later date, the Focus Group decided that a maximum height of backyard fences should be 7 feet, consistent with the City of Atwater's ordinance.)

Home Occupations (Home-Based Businesses): Ms. Espinosa explained the eight conditions associated with a home occupation, concerns with having employees (vehicles parking on streets), along with issues with businesses such as a car repair operation that on the one hand should be prevented in a residential neighborhood (due to noise, traffic, oils and other storage issues) and requests for piano lessons (1 appt. per hour) where the ordinance is inflexible. Examples of home based businesses were discussed such as yard sales, repairing vehicles, daycares, cottage food operations (regulated by the State and Merced County Health Department), and public agencies being able to exempt themselves.

In response to concerns regarding enforcement on current and future home-based businesses, Ms. Espinosa explained the process of elevated enforcement where sometimes complaints can be handled with a phone call but others require involving the City Attorney's Office. She also explained that the Consultants have proposed having two categories for home occupations, a minor (allowed by right) and major (requires a minor conditional use permit). The consensus of the Focus Group was that the current code is fine as long as complaints from home occupations are enforced.

5) Meeting of September 26, 2013

Levels of Review: Director of Development Services David Gonzalves explained that it's time for the Focus Group to look at the proposed levels of approval for different land uses in the new ordinance whether it is from staff or the Planning Commission and City Council. He asked that the group keep in mind that the Zoning Ordinance will be around a long time so it's prudent to think about its long term impacts. Mr. Gonzalves stated that the City Manager and City Council have indicated their preference to streamline the development process; and, stressed the need for the group's input as their recommendation will be going to the City Council.

Home Occupations (Home-Based Businesses): Ms. Espinosa explained common issues with home occupations as well as striking a balance to allow certain businesses that have customers come to the home and not be an impact to neighbors, such as piano lessons versus swimming lessons. She asked if the group would be in favor of this and if there would be standards if allowed. Ms. Espinosa also advised that Cottage Food Operations are allowed by State law as a home occupation which allows people to purchase food items from a residence.

Ms. Espinosa explained that the Consultants have proposed having two categories for home occupations, a minor home occupation - allowed by right, and major home occupation - requires a "minor" (staff level review) conditional use permit (CUP). She added that there would be certain restrictions with the minor CUP to address deliveries, number of employees and clients, outdoor storage, and authorizes the Director of Development Services to suspend the activity if detrimental to the health and safety of the neighbors. Additionally, there is an appeal process to Planning Commission (if denied by staff), and City Council (if denied by the Planning Commission). A minor CUP would require a public hearing where neighbors are invited.

There was some discussion that the process was too vague, that entrepreneurs should be given more flexibility, that the requirements should be clear and address noise, parking for staff and customers, hours of operation, etc. For the most part the consensus was that staff is heading in the right direction.

Food Trucks: Ms. Espinosa described the difference between Street and Sidewalk Vendors and Food Vendors at Fixed Locations and issues to consider such as complaints regarding debris, loitering, parking, time limits, etc. The discussion included whether or not to allow food trucks at birthday parties which could be in residential neighborhoods, a park, or street fairs, etc. Other suggestions were to have a moratorium, or setting up a location where food trucks could gather on a rotating basis, allowing a food truck to replace a previous one (similar to

“new” fireworks booth vendors), and allow these businesses to grow. “Off the Grid” in the Bay Area was given as a successful organized business (private developer) with local bands and new food truck businesses could locate there to give their business a shot.

It was also suggested to keep in mind the changes in population especially students (UC Merced and Merced College) and others who communicate using Facebook and other social media. Lastly it was suggested that the requirement restricting food vendors near churches holding regular services on Sundays should extend to other days of the week as well.

6) Meeting of October 3, 2013

New Zoning Districts: Director of Development Services David Gonzalves explained that the goal is to focus on Residential and Commercial parts of the Code such as design standards and protecting neighborhoods. He advised that staff will be creating an agriculture/residential (or Rural Residential) zone for those properties that are currently in the County of Merced (correlating with UC Merced area) but are within our sphere of influence. He added that this is intended to ease the “fear” of annexation for those concerned with a possible change to their lifestyle with regard to the keeping of animals or hooking up to sewer and water.

Ms. Espinosa explained that she’s currently working with the consultants on this new zone to balance issues, and added that the closest zone that we currently have is an R-1-20 (for 20,000 square-foot lot minimum). Ms. Espinosa discussed the process of annexation noting that the properties must be contiguous and answered questions regarding acre lots, City services, etc. She emphasized the need to find a way to make people comfortable with the annexation process rather than to protest the process. An example was given where a neighborhood blocked a prospective annexation by protesting the annexation.

“Purpose” Sections of Draft Code: There was discussion that the “purpose” of the zones is there, however, the “intent” of the zone is not, and that there may be inconsistency from the old ordinance to the new with terms such as “high quality development” for example relating to mobile home parks. Ms. Espinosa indicated that we need to know how readable the document is so if it is confusing we need to correct it. She explained that the consultants were tasked with streamlining the ordinance so there’s not a lot of cross- referencing, but that is something that can be fixed by adding cross references. She advised that the nuts and bolts for what land uses are allowed and what permits are needed are found in Tables on Pages 1 and 2, whereas the design standards are on Pages 6 and 7.

Residential Zones: There was a suggestion to add “Home Occupation” in Table A, of Page 1, under the residential section. The Focus Group discussed daycares and the impacts on the neighborhood, the difference between permitted use and minor conditional use permit, and the difference between a “group home” and “dwelling groups” and restrictions within each. Ms. Espinosa explained that some uses like daycares are State regulated and gave the definition of a “household” and “family.” In response to using the term Community Uses and Community Assembly instead of “public” and “quasi-public” terminology Ms. Espinosa said that we are attempting to use more current or up- to-date terminology. However, with regards to “colleges” they need to be defined similarly to “schools.”

There was discussion on single-room occupancy where students could rent a room in a home, but the way the code is written, it’s not allowed. Ms. Espinosa indicated we would check the glossary to make sure it is clear as to what is allowed. Also, some neighbors are not receptive to having student housing in the neighborhood. With a second unit on a single-family residential lot, one of the two units must be owner-occupied.

Residential care facilities are exempt from local zoning as long as there are 6 or fewer people in a house. If there are more than six, we can require a process and impose reasonable standards such as spacing, concentration, and parking through a non- discretionary permit. Ms. Espinosa explained that the State would allow a staff level process granted by the Director where neighbors within 100 feet of the site are notified 10 days prior to the hearing date.

While a few people felt large family daycares should be regulated, others felt there were too many regulations and if there haven’t been many complaints, why do so. At this time, Chairperson Logue asked for a voice vote of those present and the consensus was not to regulate large family daycares. The consensus of the Group was, however, in favor of regulating residential care facilities if allowed under State law.

7) Meeting of October 17, 2013

Parks: The Focus Group discussed the process for approval of parks. Staff explained that a Conditional Use Permit (CUP) is required in all residential zones for the land use for a park, but that the design of the park is handled as a separate process not involving the Planning Commission. The Group discussed the various sizes and types of parks and the impacts on neighborhoods from lack of parking. Staff explained that there is no standard for parking for neighborhood parks and that it would be helpful to staff if there was such a standard. The Group was of the consensus that there should be a parking standard for parks and the size, type, uses, and design of the park should dictate the parking requirements for parks.

Residential Zones: The Group then discussed the land use tables for residential zones. Staff explained that the uses and development standards have been put in table format so that they are easier to understand than the paragraph format in the current ordinance. There have been no changes to the uses or standards except minor changes to exterior and side yard setbacks so they are consistent throughout the code.

Staff noted that there would need to be clarification or removal of footnote [2] on Page 7 regarding the 10-foot yard setback for all interior yards. Staff and the Focus Group concurred that this did not make sense for all interior yards to be ten feet for taller buildings, especially if trying to encourage density. Staff will review with the consultant and either clarify or remove the footnote.

Regarding MMC Section 20.08.030, Subsection F Parking, Ms. ESPINOSA explained that this is the section that would need to be modified to allow garage conversions and legal parking spaces in the driveway and/or on the street. Following a brief discussion, the consensus of the Focus Group was to not make any changes to the required parking in residential zones. There were no more comments on the Residential section

Commercial Zones: Regarding Commercial zoning, the proposed ordinance combines all commercial zones and adds the new Business Park zone into table format so land uses are easier to understand. The Focus Group agreed that there is a clear distinction between heavier use Business Parks vs. support use Business Parks and the Business Park zone should be part of the Commercial land use table to allow flexibility, and not the Industrial land use table.

It was also noted that under the current General Commercial zone, there is a 4-acre minimum size for the zone itself but there is no minimum in the proposed ordinance. Staff agreed that without a minimum acreage requirement, a single lot could be rezoned, impacting the surrounding area. It was agreed that the minimum acreage in the current code should be retained.

8) Meeting of October 31, 2013

Commercial Zones: The Focus Group discussed if Colleges and Trade Schools should be allowed with a Conditional Use Permit (CUP) in the C-G zone instead of not allowed at all. The consensus was that they should be allowed with a CUP since depending on the curriculum, it might be appropriate in the C-G zone.

Day Care Centers: The Focus Group considered if Day Care Centers should be a conditional use in the B-P zone instead of permitted. Since the state has adequate regulations with regard to this use, the consensus was to lean towards less regulation.

Emergency Shelters: The Group debated whether Emergency Shelters should remain not allowed in the C-C zone or should be allowed with a CUP. Planning Manager ESPINOSA explained that the state law requires that cities have at least one zone where Emergency Shelters are principally permitted. The City of Merced has proposed to permit them in the C-G zone as a permitted use and allow them in the C-T zone as a conditional use. Several members thought the Rescue Mission should not set a precedent for use in that location (a C- C zone), but could be grandfathered in. Some thought that allowing shelters in other commercial zones may deter businesses from wanting to locate in those particular zones. The consensus was to allow the Emergency Shelters to be principally permitted in the C-G zone and to not allow them in other commercial zones.

Government Offices: The Group discussed if Government Offices should be a permitted use in the B-P zone instead of not allowing them at all. The consensus was to continue to not allow them in the B-P zone to preserve those zones for traditional business park uses.

Parks: The Group deliberated about if Parks, which are proposed as conditional uses in C-O, C-N, and C-C, should be allowed with a CUP in other commercial zones. Since there are plenty of zones that allow Parks and because commercial development is a desirable use in the commercial zones, the consensus was to not allow Parks in other commercial zones.

Public Safety: The Group reviewed whether Public Safety Facilities should be allowed with CUPs in all commercial zones instead of only being allowed with a CUP in the C-T and C-G zones. The Group concurred it would be beneficial to allow Public Safety Facilities with a CUP in all commercial zones.

Alcohol Sales: The Group pondered the consultant's proposal that CUPs be required for all businesses wishing to sell alcohol. Currently, CUPs for alcohol sales are only required for businesses whose buildings are 20,000 square feet or less, since that would be a larger part of their business. Since the result would be a marked increase in CUPs and a lot more restrictiveness, the consensus was to continue the current process.

Bail Bonds: The Group debated whether Bail Bond Businesses should continue to be permitted in the C-C zone (but prohibited in the City Center) and allowed with a CUP in the C-O zone or should changes be made. Mention was made that most Bail Bond Businesses were so low key that most businesses were not even aware that they were located near them. It was also noted that they are required to follow our sign code and get a sign permit. The consensus was to continue the current process.

Check Cashing: Check Cashing Establishments would be allowed in all

commercial zones with a CUP as proposed; the Group considered if there were some zones where they should not be permitted. The consensus was that overall, they should be treated like any other business and not be overregulated, but C-O zones are supposed to be for office uses, the Check Cashing Establishments really aren't a business park use so should not be in the B-P zone, and the C-SC zones would not be appropriate locations either.

Flea Markets:The Group briefly discussed if Flea Markets should be allowed anywhere other than with a CUP in the C-T zone. The consensus was that they should be allowed with a CUP in the C-T and C-G zones and not in the C-O, C-N, or C-C zones.

Funeral Parlors: The Group reviewed Funeral Parlor and Mortuary uses and agreed that they should be principally permitted in the C-G zone, and allowed as CUPs in all other commercial zones.

Gas Stations: The Group conversed about Gas and Service Stations. It is proposed that they be principally permitted in C-T and C-G zones and allowed with a Site Plan Permit in the C-N, C-C, and C-SC zones. The consensus was that the proposal was fine except in the C-N zone, they should be permitted with a CUP so that neighbors would get notified if a Gas or Service Station was going into their neighborhood. Planning Manager ESPINOSA added that the use table would be reviewed for the C-SC zone to make sure it was consistent with the newly-adopted standards for that zone.

Hotels: The Group discussed if Hotels and Motels should be allowed with a CUP in the B-P zone. It was noted that other cities have successfully allowed this type of development. The consensus was to keep our options open and allow Hotels and Motels in the B-P zone with a CUP.

9) Meeting of November 14, 2013

Check Cashing: Chairperson LOGUE asked to reopen the discussion from the last meeting regarding pay day loan services and whether the code should be more restrictive to deter these types of businesses in the downtown area. The Focus Group discussed that and whether they should then include other types of businesses (pawn shops, tattoo parlors and hookahs). Group Members RAMIREZ and THURSTON both provided information that there are other changes in the works (at the State or Federal level) that would be restrictive and make it difficult for the payday loan types of businesses to continue.

The Group suggested the following regarding payday loan businesses:

CO/CT/CG: Conditional Use

CN/BP: Not allowed (those existing would be non-conforming uses)

Central Core: More restrictive with conditional uses.

Shopping Center Commercial (CSC): Not allowed. Very restrictive use.

Commercial Zones: The Group continued their discussion regarding the land use table. Ms. ESPINOSA explained that the consultant proposed a downtown residential zone to address the smaller residential lots in that area. Currently, most downtown residential lots are 50x150' lots, but are zoned R-1-6 because that was the closest zoning designation that fit.

Pawn Shops: The Committee made the following recommendation:

CO/CN//CSC/CT/BP: Not Allowed

CC: Conditional Use

CG: Permitted Use

Personal Services: The Group recommended that for Business Park zones, that Personal Services should require Site Plan Review (SP) with Footnote 6.

Street and Sidewalk Vendors: The Group discussed exploring the idea of having an area established specifically for food trucks. Currently they are only allowed in the CT zone. Ms. ESPINOSA asked if the Group thought it appropriate that they are allowed to locate in a Business Park or Industrial zone with a use permit. She further explained that the definition only refers to food and drink and asked if the Group thought that the definition should include merchandise. The Group agreed that the definition should only be for food and drink so the category should be changed to "Mobile Food Vendors" and should be a conditional use in Business Parks.

Vehicle Parts and Accessories Sales: The Group agreed that they should be a permitted use in a C-G zone.

Large Recycling Collection Facilities: The Group agreed that they should be a Conditional Use in the CT and CG zones.

Parking Facilities: The Group said they should be permitted in all zones.

Vehicle Sales: Group Member BRAGONIER said that she didn't think vehicles sales should be allowed in the downtown core area and Ms. ESPINOSA said that the table would include Footnote 12 which defined the downtown core area and restricted that use from that area.

10) Meeting of December 12, 2013

Business Park Development Guidelines: The Focus Group discussed the

use of the terminology “may” vs. “shall” vs. “should”. The Group discussed the lack of consistency within the definitions. Staff explained that there are instances where items or design are mandated by State or Federal statute to be “shall”, but that staff needs room to adjust a design and work with a developer if the project hits most of the marks, and so there needs to be room for some flexibility to meet the developer’s specific design requirements.

Focus Group Member BENDER said that from a developer standpoint there are a lot of “shalls” that they have to heed and more “shoulds” would allow the project to work. If the project needs exceptions, then the Planning Commission and City Council should make the decision by establishing conditions for the individual projects.

Following further discussion, the Focus Group recommended the following (beginning on Page 22 of 9-12-2013 memo):

Page No.	Item No.	Terminology
21	4a-d	Change to “shall”
22	5a-c	Change to “shall”
22	7a and 7b	Change to “shall”
22	8a	Remain “shall”
22	9a and 9b	Change to “shall”

Ms. ESPINOSA indicated that she understood the Group’s direction and could go through the remainder of the preliminary draft and make the appropriate changes and bring them back to the Group for review.

Planning Manager ESPINOSA explained there will be new zoning districts proposed such as “Urban Village” and new Downtown designations, and discussed the options for rezoning some of the downtown areas. She said that the new zones could be established without having to actually rezone any of the properties. There are various options for completing the rezoning. It could be accomplished as part of the Zoning Ordinance update, as development projects lend themselves to rezoning, or while the City addresses any changes required as part of the High Speed Rail project.

11) Meeting of January 30, 2014

Industrial Zones: The Group discussed the Industrial Zoning Districts and whether there should be a minimum lot size for Light Industrial and Heavy Industrial to preclude an industrial use building on a small lot adjacent to residential. They also discussed the performance standards and a definition for infrequent noise and what kind of mitigation could be required to address any noise issues.

Public Use and Agricultural Zoning Districts: In response to questions from the group, Planning Manager ESPINOSA explained that there is not currently a zone for public use and the uses sometimes do not fit well in a commercial or residential zone. With a new zone of Public Use, uses such as parks or fire departments would have a specific zone applicable to the use. Currently most are zoned residential.

Special Use Zoning Districts: Ms. ESPINOSA explained that the only change to Urban Transition was to reorganize it so it was easier to understand. Regarding Planning Development zoning, the process for a revision would be streamlined.

The Group had previously discussed still requiring the Conditional Use Permit process for projects that are built sometime after the original Site Utilization Plan was adopted. Group Member ALLEY said that it sometimes takes several years to put together the financing for a project and suggested a longer period of time than the two years previously suggested. The Group felt that if the project is still consistent with the original plan then a longer period of time to proceed could be allowed with the ability to allow extensions at staff level, allowing 1-3 years more.

Glossary: The Focus Group made the following suggestions:

- Add a definition for Community Gardens;
- Add a definition for Farmers Market (distinct from Flea Market);
- Define appropriate areas for horticultural nurseries;
- Street and Sidewalk Vending definition narrowed to food vending; and,
- Consider making Bike Rentals separate from Vehicle Sales and Rentals.

Downtown Zoning Districts: The Focus Group discussed the design and setback requirements for the downtown zoning districts. The Group felt that there should be more flexibility regarding setbacks, number of windows, etc. to fit the project and location.

Urban Village Zones: Mr. THURSTON said that the Village Concept was too restrictive and that this Focus Group should see the Bellevue Corridor Community Plan before making final recommendations on the Zoning Ordinance Update. Focus Group Members GONELLA and ALLEY said that staff should proceed with a draft and Ms. ALLEY suggested a notation that it was a draft only and there would still be opportunity for review and modification later. Focus Group Member LESCH noted that without the Urban Village Zone, the only zoning alternative would be Planned Developments.

Director of Development Services GONZALVES explained that the Focus Group code review is just a step in the process and the Group should not recommend a zoning code without including all the land uses defined in the General Plan. One of the goals of the Zoning Code Update was to establish zoning districts for Business Parks, Urban Villages, etc., that are in the General Plan but not in the current code. That gives more options to developers when requesting zoning.

12) Meeting of February 20, 2014

The Focus Group discussed the twenty-one (21) questions outlined in staff’s memo dated February 7, 2014. Refer to the memo for further detail regarding the questions. The Focus Group consensus is outlined in the table below:

Question No.	MMC Section	*Page No.	Consensus
Part 3 – General Regulations			
Chapter 20.30 – Walls and Fences			
1	20.30.010(D)	89	Use “highest finished grade” to measure maximum height.
2	20.30.020(A)(2)	90	Concurred with recommendation with standards for lattice.
3	20.30-1 (Note 2 of Table) and 20-30-020(B)(2)	90 92	Concurred with recommendation for increased height with approval process.
4	20.30.030	92	Concurred with recommended changes and specifically noted the issues around school sites.
5	20.30.040	93	Okay with razor wire by permit only.
Chapter 20.32 – Interface Regulations			
6	20.32	95	Concurred with recommendation.

Question No.	MMC Section	*Page No.	Consensus
Chapter 20.34 – Creek Buffers			
7	20.34		Concurred with recommendation with standards for landscaping creek buffer.
Chapter 20.36 – Landscaping			
8	New Chapter		Concurred with new requirements and handouts providing information regarding drought resistant and native plants.
Chapter 20.38 – Parking and Loading			
9	20.38-1	106	Concurred with recommended changes and need for a standard that is easier to measure.
10	20.38/080	121	Consensus is to model the Green Code and not require more than State requires.
Chapter 20.44 – Special Land Use Regulations			
11	20.44	131	Concurred with proposed changes except Section 20.44.020 should not be specific to Auto Wrecking Yards. It should be “wrecking establishment” so can include salvage and junk yards.
Chapter 20.48 – Home Occupations			
12	20.48	149	Concurred with recommendation.
Chapter 20.58 – Wireless Communications Facilities			
13	20.58-2	186	Concurred with recommendation.
Part 4 – Permits and Administration			
14	20.64-1	194	Concurred with recommendation.
15	20.68.020	203	Concurred with recommendation.
16	20.68.040	207	Concurred with recommendation.
17	20.68.050	209	Concurred with recommendation.
18	20.68.040	210	Concurred with recommendation.
19	20.72.030	217	Concurred with recommendation.
20	20.72.080	220	Concurred with recommendation to apply to all applications.
21	20.74.030(B)	221	Agreed should be 5 business days, excluding state and federal holidays.

13) Meeting of January 29, 2015

Request from Merced County Department of Public Health regarding Tobacco Sales: Stephanie NATHAN, Department of Public Health, reviewed their request for inclusion of special zoning restricts for tobacco sales in the Zoning Ordinance. Ms. NATHAN provided the Focus Group with the American Lung Association's Matrix of Local Ordinances Restricting Tobacco Retailers Near Schools. Ms. NATHAN responded to questions from the Focus Group.

M/S LORENZI-LESCH, and carried by unanimous voice vote (13 absent) of the Focus Group, to recommend that staff include in the Zoning Ordinance Update a ban on tobacco products, including e-cigarettes, within 1,000 feet of youth oriented areas such as schools and playgrounds (additional uses to be identified by staff). Retail businesses over 20,000 square feet would be exempt from the ban, consistent with the current code regarding alcohol sales.

Secretary's Note: In December 2014, the Focus Group received a copy of the complete Focus Group Draft of the Zoning Ordinance. Previously, the Focus Group had been reviewing draft chapters and some sections, but not the complete ordinance. From this point forward, the Focus Group was making recommendations on the Focus Group Draft and were answering questions included in a December 19, 2014, memo from City staff (and excerpted below). (Please note that references to page numbers might have changed from the Focus Group Draft to the Public Review Draft issued in September 2015.)

Chapter 20.08 – Residential Zoning (Questions #1 & #2)

- 1) *Please review carefully Table 20.08-1 on page 12 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.08.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above. (You may also want to compare the proposed Table with the existing regulations in Table A1 on page 20A.)*
- 2) *The Rural Residential (R-R) District is a new district which corresponds to a General Plan land use designation. Do the regulations for the R-R district in Section 20.08.050 on page 20 seem appropriate?*

Fraternity and Sorority Houses: The Focus Group came to the consensus that they should be allowed in an R-1 zone by Conditional Use Permit with a limit on size and number of residents.

Large Day Care and Residential Adult Care: Staff explained that the State of California regulates these facilities and doesn't give the City much discretion but that fire codes would offer some regulation.

Agriculture and Natural Resources: Group Member BRAGONIER was concerned about allowing farming in a residential zone and Ms. ESPINOSA explained that the current ordinance allows farming in Residential zones by right and by changing the code to require a Conditional Use Permit; it provides the City the ability to apply conditions and consider interface issues with the existing neighborhood.

Large Foster Homes, Nursing Homes, Convalescent Hospitals and Bed and Breakfasts (B&B): Allow in Rural Residential with Conditional Use Permit and remove the historic designation requirement for B&B's.

14) Meeting of February 12, 2015

Chapter 20.10 – Commercial Zoning (Questions #3 and #4):

- 3) *Please review carefully Table 20.10-11 on page 22 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.10.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above. (You may also want to compare the proposed Table with the existing regulations in Table B1 on page 32A.)*
- 4) *The Focus Group previously reviewed draft Guidelines for projects in the new Business Park zoning district in Section 20.10.030(E) on page 30. City staff is proposing to also apply those same B-P guidelines to regional centers outside the Downtown area in the C-C zone to allow the C-C zone to function more like the corresponding "Regional/Community Commercial" (RC) General Plan designation, instead of focusing mostly on Downtown. What does the Focus Group think of this change?*

Business Park (B-P) 20.10.010(G): Group Member ANDERSEN suggested that the term "back office" should be defined in the glossary section of the Zoning Ordinance. She believes that defining a "back office" will protect the office nature of the B-P zone and prevent a large retail business from claiming to operate as a back office. Planning Manager ESPINOSA concurred with Group Member ANDERSEN and explained that retail may be allowed in the B-P zone at a limited capacity to serve employees in the area. Staff will update the glossary to include a definition for "back office."

Day Care Centers (Children and Adults): Group Member LORENZI was concerned that sufficient off-street parking is not provided at adult care facilities. He believes that the parking requirements should be increased to satisfy the parking needs of employees, patients/residents, and visitors. Director of Development Services GONZALVES concurred with Group Member LORENZI and explained that the parking requirements for adult care facilities could be revised to include the number of employees working during the largest shift and the square footage of the building.

Emergency Shelters: The Focus Group suggested that emergency shelters should be located in a zoning district that is highly accessible to the community. They believe that the B-P zone lacks accessibility and that it is not an appropriate zoning designation for emergency shelters. The Focus Group came to the consensus that a more appropriate zoning district is the C-T zone (with Conditional Use Permit approval).

Hospitals: The Focus Group came to the consensus that there needs to be a clear distinction between hospitals and surgery centers. They believe that surgery centers should be a separate category and that they should be allowed in the C-N zone (with Conditional Use Permit approval).

Alcoholic Beverage Sales: The Focus Group came to the consensus that bars and nightclubs should be permitted in the B-P zone as an accessory use to a primary use (e.g. hotel or a restaurant), with a Conditional Use Permit.

Planning Manager ESPINOSA noted that Alcoholic Beverage Sales will be subject to the special provisions outlined in Section 20.44.010 (Alcoholic Beverage Sales for Off-Premises Consumption). The reference to these additional regulations will be added to Table 20.10-1.

Bed and Breakfast: Planning Manager ESPINOSA noted that Bed and Breakfast establishments will be subject to the special provisions outlined in Section 20.44.030 (Bed and Breakfast). The reference to these additional regulations will be added to Table 20.10-1, and based on the Focus Group's previous recommendation, the requirement for historic designation will be removed.

Check Cashing/Payday Loan Establishments: The Focus Group came to the consensus that the definition for a check cashing establishment should be broadened to include payday loan establishments.

Multi-Screen (6 or more) Movie Theaters: The Focus Group came to the consensus that multi-screen (6 or more) movie theaters should be permitted with Conditional Use Permit approval in both the C-N zone and the C-T zone in addition to the C-C Zone, which is the only zone where these are currently allowed.

Farmers Market: The Focus Group came to the consensus that farmers markets should also be permitted in the C-O zone with Conditional Use Permit approval.

Flea Market: The Focus Group came to the consensus that a Flea Market should not be permitted in the B-P zone due to land-use incompatibility reasons.

Gas and Service Stations/Car Washes: The Focus Group came to the consensus that gas and services stations should be permitted in the C-SC zone (with Conditional Use Permit approval), but only in association with a grocery store.

Restaurants: Planning Manager ESPINOSA announced that restaurants within the B-P zone will be subject to Note #12 and Note #13, as shown on page 25 of the Draft Zoning Ordinance. This reference will be added to Table 20.10-1.

Vehicle Sales: The Focus Group came to the consensus that vehicle sales should be located in the C-C zone, but not within the City Center area (Note #10 to be added to Table 20.10-1 in the C-C zone).

Airports and Heliports: The Focus Group came to the consensus that the zoning districts for heliports should correspond to that of hospitals as a hospital may want to use a heliport for emergency/service purposes.

Mobile Food Vendors: The Focus Group came to the consensus that non-food mobile vendors (e.g. mobile dog grooming vendors, etc.) should be considered as a separate category from mobile food vendors and that zoning regulations should be established for them.

Primary Building Standards (Stories): The Focus Group came to the consensus that there should not be a restriction on the maximum number of stories that a building is permitted. However, building height restrictions should remain as shown on Table 30.10-2, Development Standards for Commercial Zones.

15) Meeting of February 26, 2015

Chapter 20.12—Industrial Zoning Districts

- 5) *Please review carefully Table 20.12-11 on page 33 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.12.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above. (You may also want to compare the proposed Table with the existing regulations in Table C1 on page 40A.)*

Chapter 20.14—Downtown Zoning Districts

- 6) *Does the Focus Group think the creation of these 3 new Downtown zoning districts to better reflect the unique characteristics of different Downtown commercial areas is worthwhile or should the City continue to just use the current C-C zone?*
- 7) *Please review carefully Table 20.14-11 on page 42 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.14.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above.*

- 8) *Are the new development standards in Section 20.14.030 on page 45 appropriate or too restrictive?*

Purpose of the Industrial Zoning Districts 20.12.010 (A) and (B): Group Member BRAGONIER was concerned that parcels of any size could be rezoned to industrial and produce spot zoning adjacent to residential properties. To prevent this from happening, she suggested that a minimum zoning district size be established for the I-L and I-H zones. The Focus Group came to the consensus that there should be a 5-acre minimum zone size for the I-L zone and a 10-acre minimum zone size for the I-H zone (applies only for newly established industrial zones).

Recycling Collection Facilities, Small: Economic Development Director QUINTERO noted that small recycling collection facilities tend to generate high volumes of traffic. He explained that this results in slower traffic patterns that make it difficult for other industrial businesses to operate. The Focus Group came to the consensus that small recycling collection facilities should not be allowed in the I-H zone.

Recycling Collection Facilities, Large and Recycling Processing Facilities: The Focus Group came to the consensus that large recycling collection facilities and recycling processing facilities should be allowed in the I-H zone with a Site Plan Review Permit.

Warehousing, Wholesaling and Distribution: The Focus Group came to the consensus that warehousing, wholesaling and distributions should be permitted in the I-H zone with a Site Plan Review Permit. In addition, they recommended that Note #3 (page 35) be modified so that a Site Plan Review Permit is required for businesses that would like to dedicate more than 10% of their total building floor area to retail space.

Development Standards for Industrial Zoning Districts 20.12.030 (Note #3): Director of Development Services GONZALVES explained that some industrial uses require tall buildings/structures to operate. He noted that in the past, the I-L and I-H zones contained height restrictions to address fire concerns. However, since then, there have been several advancements in fire prevention technology and fire suppression technology (e.g. fire sprinkler systems) that satisfy fire codes/concerns without limiting the height of a structure.

Planning Manager ESPINOSA was concerned about the visual impacts that tall industrial structures could have on nearby residential properties. However, she explained that in these situations, a Conditional Use Permit (CUP) would be required (CUP triggered by development on an Interface Overlay Zone). Said permit would contain conditions of approval reducing the impact that an industrial

development could have on nearby residential properties, including a condition limiting the maximum height of a structure.

Associate Planner NELSON explained that the development standards in the industrial zones should be consistent with that of the Merced County Airport Land Use Compatibility Plan. Doing so would prevent flight paths from being disrupted by tall industrial structures.

The Focus Group came to the consensus that structures in the industrial zones should not be limited to a maximum height or a maximum number of stories as long as they satisfy fire and building codes (thus, eliminating Note #3 on page 36 and the height limits in Table 20.12-2). However, when adjacent to residential zones, industrial development should require Conditional Use Permit approval with conditions restricting the maximum height of a structure. In addition, language should be added to Section 20.12.010 - *Purpose of the Industrial Zoning Districts*, requiring that development is compatible with the development standards set forth in the Merced County Airport Land Use Compatibility Plan.

Zoning District Note #6(B): Group Member PALOUTZIAN suggested that Note #6(B) be modified as shown below, for clarity purposes (underline indicates added language):

“6B. Prohibited Uses. The manufacturing of the following uses are prohibited unless the Planning Commission determines otherwise...”

Check Cashing/Payday Loan Establishments: The Focus Group came to the consensus that check cashing/payday loan establishments should not be allowed in the D-COR zone or in the City Center area (as defined in Note #4 on page 44).

Gas and Service Stations: Planning Manager ESPINOSA noted that gas and service stations will be subject to the special provisions outlined in Section 20.44.070. The reference to these additional regulations will be added to Table 20.14-1.

Retail, with Alcohol Sales (Less than 20,000 Square Feet in Building Size) and Retail, with Alcohol Sales (More than 20,000 Square Feet in Building Size):

Planning Manager ESPINOSA noted that alcoholic beverage sales will be subject to the special provisions outlined in Section 20.44.010. The reference to these additional regulations will be added to Table 20.14-1.

Vehicle Sales: The Focus Group came to the consensus that vehicle sales should be permitted in the D-COR zone with Conditional Use Permit approval, but that large car lots should be discouraged in the Downtown core with only

small showrooms being allowed.

Downtown Development Standards: The Focus Group was concerned that the downtown development standards may be too restrictive especially for the areas outside of the D-COR zone. They came to the consensus that additional leeway should be given to the driveway permitting process (page 47) and to the street-level building design guidelines (pages 48-50).

16) Meeting of March 12, 2015

The Focus Group continued their review and comments on the questions outlined by Staff in the December 19, 2014, memo.

Urban Village Zoning Districts (Chapter 20.16)

- 9) *These 3 new Urban Village zoning districts have been created to correspond to the Urban Village designations in the City's General Plan and would offer additional zoning options for developers to choose (if they wish) instead of Planned Developments in newly annexed areas. Does the Focus Group believe these new zoning districts are necessary?*
- 10) *Please review carefully Table 20.16-11 on page 53 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.16.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above.*
- 11) *Are the new development standards in Section 20.16.030 on page 55 appropriate or too restrictive? (Please note that these draft standards have been substantially modified since the previous draft to be more flexible.)*

Question #9: The Group Members unanimously agreed that the three new Urban Village zoning districts were an appropriate option or tool for staff and developers.

Question #10: The Group Members also concurred with staff recommendations on the Land Use Table (Page 53).

Question #11: Planning Manager ESPINOSA explained that staff may make some adjustments to the height restrictions, such as allowing 35-40 feet in the Outer Village Residential areas. Group Member MAXWELL suggested eliminating the height restriction in the Inner Village Residential area.

Public Use and Agricultural Zoning Districts (Chapter 20.18)

- 12) *This chapter contains 2 new zoning districts, Parks and Open Space (P-OS) and Public Facility (P-F), along with the existing Public Parking (P-PK) zone and a modified Agricultural (A-G) zone which replaces the current A-T-5 and A-1-20. Are these new P-OS and P-F zones worthwhile additions or will they have limited use due to the small number of uses allowed in each?*

- 13) *Please review carefully Table 20.18-11 on page 60 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.18.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above.*

Question #12: Following a brief discussion regarding Public Use and Agricultural Zoning districts, Group Members concurred with staff and recommended no change.

Question #13: The consensus of the Group Members was that there would be no changes to Table 20.18-1 (Page 60) except to height restrictions so they are consistent throughout the Zoning Code.

Special Use Zoning Districts (Chapter 20.20)

- 14) *The “Summary of Major Changes” notes several changes to the Planned Development requirements, starting on page 66, to make it more flexible and easier for developers to use. Does the Focus Group agree with those changes?*

Question #14: The Focus Group agreed that the changes proposed to the Planned Development requirements (Page 66) would allow more flexibility and recommended no further changes.

Overlay Zones (Chapter 20.22)

- 15) *What does the Focus Group think of the new Urban Residential (/UR) overlay zone, starting on page 74? Will it encourage the use of different housing types not typically found in Merced?*

Question #15: Planning Manager ESPINOSA explained that the Airport Overlay Zone is currently used in practice but this would add it to the Zoning Code. She also explained that it would provide a placeholder for the High Speed Rail. Group Member COX suggested that it shouldn't be limited to High Speed Rail and should just refer to “Rail” in general since in the future, there will be other types of rail systems (light rail, etc.).

Walls and Fences (Chapter 20.30)

- 16) *Section 20.30.020(A)(2) on page 98 would allow the addition of 2 feet of lattice on residential fences and Note 2 of Table 20.30-1 on page 98 would allow the maximum height of residential fences to be increased from 6 feet to 8 feet with the approval of a Minor Use Permit. Proposed procedures, including notifications for neighbors, for Minor Use Permits for Fences are described in Section 20.30.020(C) on page 102. City staff is a bit concerned over how many requests of this nature might be received and its impacts on both neighborhoods and staff workload. What does the Focus Group think of this change?*
- 17) *After the last Focus Group review, staff changed Section 20.30.040 on page 104 to allow barbed wire fences in residential zones, razor wire fences in all zones, and electric fences*

in only non-residential zones, all with a Minor Use Permit. Does the Focus Group agree with these changes?

Question #16: The consensus of the Group Members was to remove the procedures for allowing higher than 6-foot fences in residential zones and simply allow fence height in Residential Zones to be seven (7) feet. Anything higher would have a negative visual impact and may cause concern for emergency responders. Eight (8) feet for multi-family should be allowed, however.

Question #17: The Focus Group agreed to the changes to Section 20.30.040 (Page 104) to allow barbed wire fences in residential zones, razor wire fences in all zones, and electric fences in only non-residential zones, all with a Minor Use Permit.

Parking and Loading (Chapter 20.38)

18) *Table 20.38-1 (starting on page 120) proposes quite a few changes to the City's current parking requirements for various land uses. A comparison to the current ordinance can be found in Table D1 starting on page 140A. Please review the proposed changes and give comments.*

19) *Section 20.38.080 (starting on page 135) includes NEW requirements for bicycle parking based on previous recommendations from the Bicycle Advisory Commission. At your last review, the Focus Group noted that while they supported bike parking requirements, they should be no more restrictive than what the Green Building Code requires, which is generally what is included in the Draft.*

At its December 9, 2014 meeting, the Bicycle Advisory Committee reviewed the Bike Parking portion of the Draft, and offered the following recommended changes. Does the Focus Group support these new recommended changes?

Excerpts from Draft Bicycle Advisory Commission minutes for December 9, 2014:

“Regarding the “Applicability” section, the Commission noted that: bicycle travel to the proposed exempted uses should be expected, especially by employees; and, the section creates a loop-hole for additional uses to seek exceptions to the bike parking code.

ON MOTION FROM COMMISSIONER KAYSER-GRANT, SECONDED BY COMMISSIONER HOTHEM, DULY CARRIED BY UNANIMOUS VOICE VOTE (ONE VACANCY), TO DELETE ALL PROPOSED LANGUAGE THAT SPECIFIES EXCEPTIONS TO APPLICABILITY, AS PRESENTED IN “SECTION 20.38.80. H. APPLICABILITY.”

Regarding the “Bicycle Parking Spaces Required” section for residential uses, the Commission noted that: current single-family home, duplex, and triplex designs will likely provide adequate bicycle parking spaces; basing the need for bike parking to the number of vehicle spaces is flawed and conflicts with the City's efforts to expand bicycle travel as a viable form of transportation; 1 long-term bicycle space per 10 dwelling units is unrealistically low; that multi-family residents tend to rely more on alternative modes of transportation for commuting purposes and need to have bike spaces provided in the project design; and, inclusion of bike parking spaces on residential properties adds versatility and value and does not diminish other site amenities.

ON MOTION FROM COMMISSIONER KAYSER-GRANT, SECONDED BY COMMISSIONER HOTHEM, DULY CARRIED BY UNANIMOUS VOICE VOTE (ONE VACANCY), TO MODIFY TABLE 20.38-4 (REQUIRED PARKING SPACES) BY CHANGING THE SHORT-TERM AND LONG-TERM SPACES FOR RESIDENTIAL USES TO: 1 SHORT-TERM BIKE SPACE PER 4 UNITS AND 1 LONG-TERM BIKE SPACE PER UNIT."

Question #18: The Focus Group concurred with the changes proposed to Table 20.38-1 (Page 120) regarding parking requirements for various land uses.

Question #19: The Focus Group discussed the recommendation of the Bicycle Advisory Commission and concurred that bicycle parking should mirror the State Green Code requirements and that the market would dictate the need for additional long term bike spaces without requiring it in the Zoning Code.

M/S MAXWELL-COX, and carried by unanimous voice vote of the Focus Group (14 absent), to recommend that the bicycle parking requirements in all zoning districts be the same as required by the State of California and not be any greater.

17) Meeting of March 26, 2015

Chapter 20.40—Small Lot Single Family Homes

20) *This is a NEW chapter based on the Small Lot Design Guidelines adopted by the City in 2008. Currently, such small lot designs can only occur in Residential Planned Developments. This chapter would also allow them to be approved with a CUP in the R-2, R-IV, and R-OV zones. Does the Focus Group agree with this change? Are there other zones where this should be considered?*

Question #20: The Focus Group concurred with the changes and did not have any suggestions for other zones to apply these standards.

Chapter 20.44—Special Land Use Regulations

21) *Chapter 20.44 (starting on page 149) proposes special regulations for several new land uses not addressed in the current ordinance. At their last review, the Focus Group noted agreement with the additions. Since that review, staff has determined that such regulations are also needed for food trucks that park in fixed locations and emergency shelters. What does the Focus Group think of the proposed regulations for the following:*

- a. *Section 20.44.020—Food Trucks in Fixed Locations (starting on page 150)? Keep in mind that food trucks have become increasingly popular and are increasingly competing with “bricks and mortar” restaurants. Also, with internet advertising allowing such trucks to locate in multiple locations over the course of a week, the need for clear regulations on where these trucks can locate and what review process is to be followed is critical.*
- b. *Section 20.44.150—Emergency Shelters (starting on page 164)? Recent changes in State law require the City to not only allow emergency shelters as a permitted*

use in at least one zone but to set forth development standards for such uses as well.

Question #21a & b: The Focus Group concurred with the draft ordinance as written and made the following recommendation:

M/S LESCH-BRAGIONIER, and carried by unanimous vote of the Focus Group (12 absent, 2 abstain*), to support the language as written.

Part 4—Permits and Administration

- 22) *Section 20.68.020 (starting on page 235) outlines the process for a new type of permit—the Minor Use Permit. Please review and recommend any changes.*
- 23) *Section 20.68.040 (starting on page 241) outlines the process for a new type of permit—Minor Modifications. Please review and recommend any changes.*
- 24) *Section 20.68.050 (starting on page 242) outlines the process for Site Plan Reviews, which is an existing process that applies only in industrial areas, but one that will be expanded for use in many more situations in the DRAFT. Please review and recommend any changes.*
- 25) *Section 20.68.040 (starting on page 244) outlines the process for a new type of permit—Special Project Permits. Please review and recommend any changes.*

Questions #22 through #25: The Focus Group concurred with the draft ordinance as written.

Final Recommendation on Zoning Ordinance

M/S LESCH-GONELLA, and carried by unanimous vote of the Focus Group members present (12 absent, 2 abstain*), to support City staff in moving forward with a Public Review Draft of the Zoning Ordinance as written with the changes as recommended by the Focus Group over the last few meetings.

*Mayor Thurston and Council Member Dossetti abstained from the vote since the City Council would be making the final decision on adopting the Zoning Ordinance at a later date.

18) Meeting of January 21, 2016

Comments on Items from Joint Planning Commission/City Council Study Session on December 7, 2015 (as outlined in Memo of December 15, 2015)

Secretary's Note: Group Member DOSSETTI abstained from the votes since the City Council would be making the final decision on adopting the Zoning Ordinance at a later date. Group Member COX, President and CEO of the Greater Merced Chamber of Commerce, abstained from the votes since Council Member BELLUOMINI would be speaking to that organization at a later date on these items.

City Council Member BELLUOMINI gave a brief overview of his suggested changes to the Draft Merced Zoning Ordinance.

Responding to a comment from the Focus Group, Director of Development Services GONZALVES stated that the awnings which were in place downtown were taken down because they were unsafe.

The Focus Group commented on the items outlined in the Memo of December 15, 2015.

1. Page 14, Section 20.08.030B3, Variation in Lot Dimensions for R-1-6 subdivisions

The Focus Group discussed that lowering the percentage from the existing 40% to 25% might be considered not very business-friendly. They also wanted to ensure that a project wasn't turned away just because it didn't hit a precise percentage; they wanted to make sure the City was still able to be flexible. Planning Manager ESPINOSA and Director of Development Services GONZALVES confirmed that this provision is not used that often and when it is used, it usually doesn't come very close to the 40% threshold. The Focus Group Members who were present (two abstentions), voted unanimously to leave this section as is.

2. Page 31, Section 20.10.030 5a, Pedestrian Circulation

The Focus Group discussed whether the awnings were necessary because it doesn't rain that many days in Merced and because certain businesses might have certain design standards that don't include awnings. Ms. ESPINOSA noted that if they wanted awnings added, the use of "should" or "shall" would need to be specified. The Focus Group Members who were present (two abstentions), voted unanimously to add that functional awnings "should" (but not "shall") be added to protect pedestrians from the rain when walking along building frontages of businesses which abut each other.

3. Page 36, Section 20.12.030, Table 20.12-2-Development Standards for Industrial Zoning Districts

Ms. ESPINOSA and Mr. GONZALVES stated that the City Council direction was to be as unrestrictive as possible on the Industrial Zoning Districts. The Focus Group agreed that a 15-foot setback sounded feasible. The Focus Group Members who were present (two abstentions), voted unanimously to change the I-H (Heavy Industrial Zone) Exterior Setback to 15 feet from zero.

4. Page 84, Section 20.22.040D3h, Side Court Apartments

The Focus Group discussed various aspects of the Side Court Apartments. The Focus Group Members who were present (two abstentions), voted unanimously to add the following additional sub-sections to the Side Court Yard Apartments section: (4) a) The side courtyard shall be a shared space accessible to all building residents. (4) b) Pathways shall be provided from each unit to the side courtyard and from the side courtyard to a public sidewalk adjacent to the site.

5. Page 120, Table 20.38-1-Off-Street Parking Requirements for Multiple Family Dwelling/Condominiums

The Focus Group discussed whether they wanted to make the distinction between dorm apartments, also known as student housing, and conventional apartments. Mr. GONZALVES explained that making different requirements for different classifications of apartments might lead to developers incorrectly classifying a project to qualify for the lower parking requirements. Ms. ESPINOSA noted that after some research, she found other jurisdictions avoided this problem by not making the distinction between student housing and conventional apartments. She went over the January 21, 2016, memo entitled “Options for Multi-Family Parking Requirements” that was distributed to the Focus Group this morning. One option discussed in the memo (Option C) was to use the number of bathrooms to determine parking while the other options used bedrooms, but adjusted the ratio of spaces per bedroom (ranging from 0.5 spaces per bedroom over 2 bedrooms in a unit to 1 space per additional bedroom over 2).

Some Focus Group Members wanted to ensure that the City remained flexible; when public transportation becomes more viable, there may not be a need for as much parking. Some Members were inclined toward Option D (0.75 spaces per bedroom over 2 bedrooms), but others were inclined toward Option B (0.5 spaces per bedroom over 2 bedrooms.) In addition, some Members were concerned with developers who didn’t manage their own projects being less concerned with the amount of parking because they didn’t have to deal with tenant complaints. . The Focus Group Members agreed to continue the discussion on this item and the other items in the Memo until the next meeting.

19) Meeting of February 4, 2016

Comments on Items from Joint Planning Commission/City Council Study Session on December 7, 2015 (Continued from January 21, 2016)

City Manager CARRIGAN was introduced to the Focus Group and asked questions regarding changes to the parking lot standards and solar paneling on the car ports. He also announced his Homeless Summit on February 26, 2016 asking Group Members to attend.

Secretary's Note: The item numbers below correspond to those on the December 15, 2015, memo to the Focus Group entitled "Request for Additional Focus Group meeting to Discuss Specific Items from Planning Commission/City Council Study Session on December 7, 2015."

#5-Page 120, Table 20.38-1-Off- Street Parking Requirements for Multiple Family Dwelling/Condominiums

Group Member LORENZI requested to hear City Council Member BELLUOMINI's point of view regarding his suggested change to the parking lot standards for apartment buildings in the existing Zoning Ordinance.

In this discussion continued from the previous meeting on January 21, 2016, City Council Member BELLUOMINI suggested that the number of parking spaces provided for an apartment unit should be based on the number of bathrooms in the unit. He observed that if an apartment unit has more than 2 bathrooms, it raises suspicion that there are more than 2-3 people living there who may have their own cars thus more spaces would be a necessity. Alternatively, City Council Member BELLUOMINI suggested that the new ordinance may discourage any further increase in the development of 3-4 bedroom apartment buildings, which would be a plus.

Planning Manager ESPINOSA reviewed the various options for parking ratio from her memo dated January 21, 2016.

Acting Chairperson MAXWELL brought to the attention of the Focus Group the fact that the City of Merced is currently trying to encourage less vehicle traffic throughout the City and creating an ordinance that accommodates more parking may hurt the City's initiative in the long run.

Ultimately the Focus Group came to a consensus (by a show of hands) to modify Option C to require an additional parking space for multi-family units for each additional bathroom over 3, instead of 2.

#6-Page 132, Parking Lot Standards for Car Ports with Solar Paneling

Planning Manager ESPINOSA mentioned that there are currently no proposed standards for car ports with solar paneling because it has only recently become an issue and the technology is changing rapidly. City Council Member BELLUOMINI suggested that Planning staff should develop some alternative standards and bring it to the City Council. The Focus Group agreed that the issue would require time to develop proper standards, so this item could be deferred until after the initial adoption of the ordinance.

#7-Page 165, Section 20.46.020, Design Standards for Single-Family Dwellings and Mobile Homes, C. Exterior Walls

Planning Manager ESPINOSA noted that the standards suggested by City Council Member BELLUOMINI to require street address numbers to be clearly visible on the front of homes is already in the Fire Code. Group Member ANDERSEN suggested that a reference to the Fire Code be added to the Zoning Code, and the Focus Group agreed.

#8, #9, #10, #11 and #12-Addition to Pages 167-170, Section 20.08.030 and 20.08.040

In the interest of saving time, since the suggested changes #8 through #12 were similar, these items were discussed together. The Focus Group came to a consensus (by a show of hands) that the standards suggested by City Council Member BELLUOMINI be changed to guidelines (“Shoulds”) in that they would not be strict requirements (“Shalls”), but recommendations for developers. City Council Member BELLUOMINI agreed to the change City Council Member BELLUOMINI agreed.

#13-Page 16 & 17, Tables 20.08-2 and 20.08-3 for Interior Yards

City Council Member BELLUOMINI suggested that the Focus Group go through suggested changes #13-15 individually. He indicated his proposed changes would create more livability in residential neighborhoods. The Focus Group came to a consensus (by a show of hands) not to increase the exterior yard setback in any residential zones. (It would remain at 10 feet.)

#14-Dwellings on the Ground Floor Should Have a Private Outdoor Space of a minimum of 12 feet by 20 feet

City Council Member BELLUOMINI suggested requiring a 12 foot by 20 foot area of outdoor living space on the ground floor. After a lengthy discussion regarding #14 and #15, the Focus Group came to a consensus (by a show of hands) to encourage a private outdoor space as a guideline (“should”) and to recommend a minimum size of 5 feet by 8 feet if provided.

#15-Every Apartment above Ground Floor Should Have a Private Balcony at Least Six Feet by Twelve Feet in Size

Acting Chairperson MAXWELL responded that not all families require a large amount of outdoor space, a majority of the families living in apartments may not have the same dynamic (i.e. holding big family dinners outside regularly) as others might do. Group Member ANDERSEN made a point that many children these days are used to living in an apartment with very little ability to play outside, or to have a large private yard that she and some of the Focus Group Members grew up with. She did state that providing the option of apartments that include a roomy private area to play and relax outside may improve their livability.

The Focus Group agreed that balconies would be encouraged as a guideline (“should”) instead of a standard (“shall”) and if a developer were to choose to include balconies, they should be required to be usable and not just decorative, with a minimum size of 5 feet by 8 feet.

It was agreed that another meeting would not be needed at this time. Staff thanked the Focus Group for all their time and effort on this project.